

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

IN RE:

THE MATTER OF ALL CIVIL ACTIONS  
IN WHICH THE UNITED STATES IS A PARTY  
PENDING IN THE SOUTHERN DISTRICT  
OF INDIANA

FILED  
DISTRICT COURT  
INDIANAPOLIS DIVISION  
2013 OCT -7 AM 11:07  
SOUTHERN DISTRICT  
OF INDIANA  
LAUREA BRIGGS  
CLERK  
1:13-mc-120-RLM

**MOTION FOR A STAY OF CIVIL PROCEEDINGS IN WHICH THE UNITED  
STATES, ITS AGENCIES, OR OFFICERS ARE A PARTY**

The United States, by counsel, Joseph H. Hogsett, United States Attorney, by Jill Z. Julian, Assistant United States Attorney, respectfully moves this Court to stay civil cases in which the United States, its agencies, officers, or employees are a party. In support of this motion, the United States states:

1. At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired, resulting in a lapse of appropriations to the Department. The same is true for most Executive agencies. As a result of the lapse in appropriations, employees in the United States Attorney's Office, including Assistant United States Attorneys responsible for representing the interests of the United States, its agencies, officers, and employees (the "United States") in civil litigation have been furloughed. Likewise personnel from the Executive agencies that are named as parties, or whose interests are represented in civil litigation have been subjected to furloughs. The Department of Justice does not know when funding will be restored by Congress.

2. Absent an appropriation, furloughed Department of Justice employees, and furloughed employees and attorneys of the Executive agencies that are parties to civil litigation are prohibited from working, even on a voluntary basis, except in limited circumstances including, "emergencies involving the safety of human life or the protection of property." See 31

U.S.C. § 1342. This is creating difficulties for the Department to perform the functions necessary to support its litigation efforts and, accordingly, the Department's policy is to seek a stay in all pending civil litigation.


3. Under the unusual circumstances regarding the lapse in appropriations, the current excepted employees of the United States Attorney's Office are unable to fully represent the interests of the United States in all civil proceedings, and the United States therefore seeks a stay of all civil proceedings in which the United States is a party, except those cases specifically exempted in Exhibit A.

4. If this motion for a stay is granted, upon resolution of the appropriations issues, the attorney for the United States assigned to the proceedings will propose an appropriate order in each stayed civil proceeding for the conduct of the litigation going forward. If the Court denies the request, the United States will comply with the Court's order, which would constitute express legal authorization for the activity to continue.

Wherefore, the United States, greatly regretting the disruption caused to the Court and the other litigants, respectfully requests that the Court issue an order staying all civil proceedings, in which the United States is a party, pending further Order of this Court.

Respectfully submitted,

JOSEPH H. HOGSETT  
UNITED STATES ATTORNEY

By:  \_\_\_\_\_  
Jill Z. Julian  
Assistant United States Attorney

## Cases Exempted from Order Staying Civil Litigation in which the United States is a Party

CAUSE NUMBER	CASE CAPTION
1:12-cv-01882-JMS-DKL	ANTONACCI et al v. DEPARTMENT OF THE NAVY
3:12-cv-00178-RLY-WGH	COPELAND v. USA et al.
2:11-cv-00004-LJM-WGH	FURROW et al v. VEACH et al
1:11-cv-01303-SEB-MJD	HULL v. OWEN COUNTY STATE BANK
1:13-cv-01014-SEB-MJD	INTERNATIONAL UNION OF PAINTERS & ALLIED TRADES, DISTRICT COUNCIL 91 v. METROPOLITAN SCHOOL DISTRICT OF WARREN TOWNSHIP et al
1:12-cv-00818-TWP-DKL	JACKSON et al v. UNITED STATES OF AMERICA
1:08-cv-00133-WTL-DML	MCARTOR, et al v. ROLLS-ROYCE CORPORATION
1:13-cv-01383-RLY-DML	SRIVASTAVA v. UNITED STATES OF AMERICA et al
1:12-cv-00830-JMS-TAB	UNITED STATES OF AMERICA et al v. HORNING INVESTMENTS, LLC et al
1:13-cv-00785-WTL-TAB	UNITED STATES OF AMERICA v. \$24,170.00 UNITED STATES CURRENCY
1:13-cv-01283-RLY-MJD	UNITED STATES OF AMERICA v. \$24,335.00 UNITED STATES CURRENCY
1:13-cv-00500-JMS-DKL	UNITED STATES OF AMERICA v. \$30,000.00 UNITED STATES CURRENCY
1:12-cv-00468-RLY-MJD	UNITED STATES OF AMERICA v. \$4,020.00 UNITED STATES CURRENCY
1:13-cv-00611-WTL-TAB	UNITED STATES OF AMERICA v. \$4,299.00 UNITED STATES CURRENCY
1:13-cv-00650-TWP-MJD	UNITED STATES OF AMERICA v. \$6,286.00 UNITED STATES CURRENCY
1:12-cv-01057-RLY-MJD	UNITED STATES OF AMERICA v. \$100,945.00 UNITED STATES CURRENCY et al
1:12-cv-00026-TWP-MJD	UNITED STATES OF AMERICA v. TRIAD MINING, INC.
1:13-cv-01361-SEB-MJD	UNITED STATES SECURITIES AND EXCHANGE COMMISSION v. MARCUM et al
1:11-cv-00891-LJM-TAB	WELCH v. ELI LILLY & COMPANY
1:12-cv-00818-TWP-DKL	JACKSON et al v. UNITED STATES OF AMERICA
3:12-cv-00178-RLY-WGH	COPELAND v. USA et al.
1:13-cv-01489-WTL-MJD	UNITED STATES SECURITIES AND EXCHANGE COMMISSION v. IMPERIAL PETROLEUM, INC. et al

Exhibit A